

Message

From: Robinson, Valois [Robinson.Valois@epa.gov]
Sent: 8/2/2019 5:40:56 PM
To: Minter, Douglas [Minter.Douglas@epa.gov]
Subject: RE: Minter, Douglas shared "Class V Draft Area Permit Fact Sheet - V2.0 markup displayed.LC" with you.

Thanks very much!

Valois

Valois Robinson
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From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Friday, August 2, 2019 11:33 AM
To: Robinson, Valois <Robinson.Valois@epa.gov>
Cc: Sierra-Lopez, Omar <Sierra-Lopez.Omar@epa.gov>
Subject: FW: Minter, Douglas shared "Class V Draft Area Permit Fact Sheet - V2.0 markup displayed.LC" with you.

Hi Valois: I just finished review and commenting on this Fact Sheet. I reordered the ESA narrative a bit to capture our work to date. The link below will show you my changes but here is a clean version to insert into the Class III Fact Sheet if you agree with these changes.

This leaves only the two remaining revisions to address related to the Bat.

douglas

11.2 The Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. § 1536 (a)(2), requires federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of federally-listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. The EPA has determined that a decision to issue Class III and V area permits and an aquifer exemption for authorization of injection well operations at the proposed Dewey-Burdock uranium in-situ recovery site constitutes actions that are subject to the Endangered Species Act and its implementing regulations (50 CFR part 402). Accordingly, the EPA will comply with these regulations by determining what, if any, effects this action will have on any federally-listed endangered or threatened species or their designated critical habitat and by following any required ESA procedures. The EPA's determination will be documented as part of the administrative record supporting the final Class III and V area permits and aquifer exemption decisions.

The EPA developed a Biological Assessment (BA) document and submitted it to the US Fish and Wildlife Service for review and concurrence (see below). The purpose of the BA was to address the effects that UIC Class III and Class V Area Permit issuance may have on species listed as endangered or threatened under the Endangered Species Act (ESA), and their designated critical habitat.

On May 1, 2019, the EPA started reviewing the USFWS Section 7 Consultation website called Information for Planning and Consultation (IPaC) for a list of species and critical habitat that may be present within the project area. The USFWS website was also used to research critical habitats and population for the species that may be present. The eBird Range map (<https://ebird.org>) recommended by the USFWS website resources section, was also used to research habitat and population for bird species. The following are the three species that may be present inside the project area:

1. NORTHERN LONG-EARED BAT (MYOTIS SEPTENTRIONALIS) - According to the USFWS website, no critical habitat has been reported inside the project area for this species. The Powertech wildlife survey identified bats but did not identify the species. There are no reports of critical habitat for the northern long-eared bat inside the project area. There are mine shafts reported inside the project area that must be investigated for bat populations. The species of bat observed at the site should be identified.
2. RUFA RED KNOT (CALIDRIS CANUTUS RUFA) - According to the USFWS website, no critical habitat has been reported inside the project area for this species. According to the eBirdRange Map, there are no reports of this species inside the project area.
3. WHOOPING CRANE (GRUS AMERICANA) - According to the USFWS website, no critical habitat has been reported inside the project area for this species. According to the eBird Range Map, there are no reports of this species inside the project area.

As a result of its analyses of potential effects on these species and their critical habitat, the EPA concluded in the BA that issuance of the UIC Class III and Class V Area Permits *may affect, but is not likely to adversely affect*, the listed threatened or endangered species or the designated critical habitat for the species found in/near the project area. The EPA submitted its findings in the BA, including appropriate mitigation measures (see below), to the USFWS on June 14, 2019. The USFWS responded in writing on July 8, 2019 concurring with EPA's findings.

The EPA has incorporated the following measures into the UIC Class III and Class V draft Area Permits to avoid, minimize or mitigate any potential effects:

1. If the whooping crane, the rufa red knot or the northern long-eared bat are sighted within one mile of the well sites or associated facilities during construction or operation, all work within one mile of the species' location must cease, and the Permittee must contact the EPA and the USFWS immediately. In coordination with the USFWS, work may resume after the terrestrial species leave the area.
2. Any wells, equipment or buildings associated with the UIC wells authorized under the permit with a fixed location within the project area must be constructed to eliminate openings that look like a small cave or hibernacle to avoid the entrance of any northern long-eared bat.
3. In the event that construction is planned during the migratory bird nesting and breeding season, a qualified biologist must conduct pre-construction surveys for migratory birds and their nests within five days prior of the initiation of any construction activities.
4. Spills or leaks of chemicals and other pollutants at the UIC well site must be reported to the appropriate regulatory agencies. The procedures of the surface management agency must be followed to contain leaks or spills.
5. If supplemental lighting is used during construction or operation, the lights must be directed and/or sheltered to minimize the amount of light escaping the work or project site.
6. The Permittee shall install netting, use bird balls or other acceptable bird deterrent method to prevent birds and bats from accessing the ponds.
7. Tree removal activities must be conducted outside of the northern long-eared bat active season (April 1 to October 31). This will minimize impacts to northern long-eared bat pups at roosts not yet identified.

From: Minter, Douglas

Sent: Friday, August 2, 2019 7:03 AM

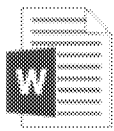
To: Copt, Britta <Copt.Britta@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Tinsley, Chuck <Tinsley.Chuck@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Cantor, Tiffany <Cantor.Tiffany@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>

Subject: Minter, Douglas shared "Class V Draft Area Permit Fact Sheet - V2.0 markup displayed.LC" with you.

Here is an updated link to the DB Class V Fact Sheet that should allow everyone to edit from the same document (I think).



This link only works for the direct recipients of this message.



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